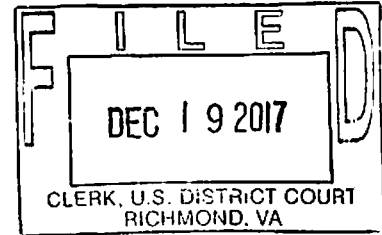


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



JOHN NATHANIEL BABB,

Petitioner,

v.

ERIC D. WILSON,

Respondent.

Civil Action No. 3:17CV361-HEH

**MEMORANDUM OPINION**

**(Adopting Report and Recommendation and Dismissing Action)**

John Nathaniel Babb, a federal inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2241 (“§ 2241 Petition,” ECF No. 1) claiming that the Bureau of Prisons (“BOP”) has improperly calculated his sentence. On November 28, 2017, the Magistrate Judge recommended that the § 2241 Petition be dismissed because the BOP has properly calculated Babb’s sentence. (ECF No. 9.) The Court advised Babb that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Babb has not responded.

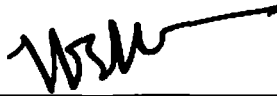
“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of

objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge's recommendation without conducting a de novo review. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation (ECF No. 9) will be accepted and adopted. The Motion for Summary Judgment (ECF No. 5) will be granted. Babb's § 2241 Petition (ECF No. 1) will be denied. Babb's claims and the action will be dismissed. A certificate of appealability will be denied.

An appropriate Order will accompany this Memorandum Opinion.

Date: Dec. 19, 2017  
Richmond, Virginia

  
\_\_\_\_\_/s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE